

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID # 100
Customer RID <input checked="" type="checkbox"/> X	24 hours <input checked="" type="checkbox"/> X	
Internal Staff RID <input type="checkbox"/>	10 working days <input type="checkbox"/>	
	As time available <input type="checkbox"/>	

1. Project Name: N/A

2. Project Number: N/A

(Plat #, Zoning Case #, etc.)

3. Project Street Address: N/A

(If not available nearest intersection of two public streets)

4. Applicant Name: Barry Middleman

**5. Applicant Address: 9639 McCullough Ave.
San Antonio, Texas 78216**

6. Applicant Telephone #: 210-340-2400

7. Applicant e-mail Address: barry@mdnarchitects.com

8. Rule in Question: UDC, Section 6: Parking and Storage Standards

Parking in Nonresidential Districts

Table Inset: Service ...Delicatessen (Min)

1/300 sf GFA (Max) 1 per 200 sf GFA

(Section and/or policy of UDC, Sign Code, etc)

9. Applicant's Position:

Date: 5/26/2011 Contact: Barry Middleman Contact Telephone #: 210-340-2400

Defined more clearly: Instead of Delicatessen, define as Food Take-Out (3 dine-in tables-Max)

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 6/2/2011

Contact: Andrew Spurgin

Contact Telephone #: 207-8229

Table 526-3b of the UDC establishes minimum and maximum parking requirements for various different types of land uses. In the realm of establishments specializing in take-out food, staff notes existence of the following entries:

	<i>Permitted Use</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
Retail	Bakery – retail	1 per 300 sf GFA	1 per 200 sf GFA
Retail	Candy, Nut and Confectionary - retail	1 per 300 sf GFA	1 per 200 sf GFA
Retail	Tamale – preparation retail	1 per 300 sf GFA	1 per 200 sf GFA
Service	Delicatessen	1 per 300 sf GFA	1 per 200 sf GFA
Service	Food – fast food with drive through lane(s)	1 per 150 sf GFA	1 per 40 sf GFA
Service	Food – restaurant or cafeteria	1 per 100 sf GFA	1 per 40 sf GFA

Staff notes the existence of multiple entries authorizes a lower parking requirement for take out food type establishments – bakery, candy, tamale and delicatessen.

Based on multiple definitions located by staff, a “delicatessen” is a shop that sells cooked or prepared foods ready for serving, such as cheeses, cold cut meats and salads. A delicatessen is not a dining establishment such as a restaurant specializing in sandwiches.

Guidance is needed for other business models that specialize in the provision of prepared foods for take out type service such as ice cream stands, juice bars, espresso bars and pizza carry-outs that do not provide dine-in service.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 6/2/2011 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Business models that specialize in the provision of prepared foods for take out type service such as ice cream stands, juice bars, espresso bars and bread stores should be classified as take out food establishments and shall be entitled to the minimum parking requirement of 1 per 300 sf GFA and maximum 1 per 200 sf GFA. Such ratio shall be permitted provided no more than 3 tables (with seating for up to 12 persons) are provided on site. Where more than 3 tables and/or seating for more than 12 persons is requested at a particular location it shall be treated as a restaurant type use and subject to the associated parking requirements. Local examples of take out food establishments include Jamba Juice and Papa Murphy's.

A “delicatessen” is a retail business that sells cooked or prepared foods ready for serving, such as cheeses, cold cut meats and salads. The UDC should be amended to remove the term “Delicatessen” from the service category and replace it with a broader termed entry: “Take Out Food –Maximum 3 Tables/12 seats” as described above. A delicatessen type of food service establishment specializing in sandwiches such as Subway, Quizno's, Jason's Deli, McAlister's Deli or similar establishment shall not be considered a delicatessen where more than three tables are provided. In such cases, this use shall be classified as a restaurant, even in cases where the word “deli” or “delicatessen” is part of the business name.

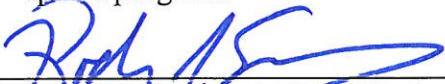
12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action:

Effective Date of policy/action: Immediately

Director supports the staff position and directs staff to include this in a future UDC update program.



Roderick Sanchez, AICP, C.B.O
Director

6-3-11

Date